

REMARKS

Claims 1-12 are pending in this application. In the Office Action, the Examiner rejected the pending claims as follows: Claims 1-10 were rejected under 35 U.S.C. §101 as being drawn to non-statutory subject matter, and under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,751,658 (Haun). Claim 11 was rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,978,589 (Yoon). Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,978,589 (Yoon) in view of U.S. Patent No. 6,751,658 (Haun).

Claims 1, 6 and 11 are the independent claims pending in this application. In the Office Action, independent Claims 1, 6 and 11 were rejected as being anticipated by Haun.

Regarding the Examiner's Assertion that Claims 1-10 are drawn to non-statutory subject matter, the Examiner states that Claims 1 and 6 are written to a nonstatutory program algorithm. Accordingly, Claims 1 and 6 have been amended to clarify and more clearly claim the invention. It is respectfully submitted that this rejection has been overcome by the above amendment.

Regarding the Examiner's rejection of independent Claims 1 and 6 as being anticipated by Haun, the Examiner asserts that Haun teaches all the elements of Claims 1 and 6. It is respectfully submitted that the Examiner is incorrect. Claim 1 recites "executing a shared execution file for a plurality of target boards in the system when power is supplied to the system." Claim 6 recites "storing a master execution file in a memory, said master execution file compiled to contain program code to operate a plurality of target boards of the mobile communication system" and "executing the master execution file for the plurality of target boards in the system when power is supplied to the system." In his rejection, the Examiner apparently equates the "NC client" as described in Haun with the target boards as recited in

Claims 1 and 6. The target boards, as recited in the claims, do not request to log in to any devices as is taught by Haun, which teaches a method and apparatus for supplying a reliable and maintainable operating system in a net-booted environment, wherein a network computer (NC) client “connects to the network and asks for additional information to be provided to it [i.e., the NC client] that will allow it to boot further.” (Abstract; Column 9, Lines 45-47; and FIG. 7).

Moreover, Haun does not teach the master execution file as recited in Claim 6 nor does Haun teach the shared execution file as recited in Claim 1. Rather, Haun teaches executing files such as operating systems and other individualized files. Haun does not teach a single file which contains necessary data for a plurality of target function boards as is done by the execution file recited in Claims 1 and 6.

Regarding the Examiner’s rejection of independent Claim 11 as being anticipated by Yoon, the Examiner asserts Yoon discloses all the elements of Claim 11. Yoon teaches a loading method of a base station in a digital cellular system. This loading system reduces the time needed to normally load (e.g., transfer data to processors) and operate an entire system even if there are a large number of processors. Moreover, the system in Yoon teaches a multi-tier loading system wherein lower processors request files from upper processors. Yoon does not disclose target function boards, nor does Yoon disclose the execution file compiled to contain program code to operate each of a plurality of target boards as recited in Claim 11. Rather, Yoon discloses a multi-tier processor system that transfers requested files to enhance the speed and efficiency of a mobile communication system.

It is thus respectfully requested that the rejections under 35 USC §102(a) and 35 USC §103(a) be withdrawn and Claims 1 and 6 as amended and Claim 11, be allowed. Without conceding the patentability per se of dependent Claims 2-5, 7-10 and 12 it is respectfully submitted that they are allowable by virtue of their dependencies on independent Claims 1, 6 and 11.

It is respectfully submitted that all of the claims of the application as presented herein are in condition for allowance. An early and favorable action is earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paul J. Farrell", is written over a horizontal line.

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